

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAVITO HOLMES,

Plaintiff,

v.

Case Number 12-15508

Honorable David M. Lawson

Magistrate Judge Laurie J. Michelson

RONALD L. HAYWOOD,
AMY SLAMEKA, and A. SMITH,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING CLAIMS AGAINST
DEFENDANT A. SMITH ONLY**

Presently before the Court is the report issued on August 19, 2013 by Magistrate Judge Laurie J. Michelson pursuant to 28 U.S.C. § 636(b), recommending that the Court dismiss without prejudice the plaintiff's claims against defendant A. Smith for failure to complete service within the time allowed under Federal Rule of Civil Procedure 4(m). Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #17] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's claims against defendant A. Smith **ONLY** are **DISMISSED without prejudice**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: September 9, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 9, 2013.

s/Shawntel Jackson
SHAWNTEL JACKSON